

THINC

Taconic Health Information Network and Community

*Privacy and Consumer Affairs Committee Meeting
April 23, 2009 11:00AM -12:00Noon*

A meeting of the Privacy and Consumer Committee of the Taconic Health Information Network and Community, Inc. (THINC), a New York not-for-profit corporation (the “Corporation”), was held on April 23, 2009.

Committee Members Present:

Norma Johnson, Paul Kaye, Lucy Pitaro, Steve Sarg.

Non-Committee Members Present:

John Blair III, Dianne Koval, Allison Laquidara, Helen Pfister, Susan Stuard, Asha Upadhyay.

Public Observers:

Dwight Arthur, Peggy Mancarusio

I. APPROVAL OF MARCH 2009 MEETING MINUTES

A motion was made and seconded to approve the March 2009 meeting minutes.

II. COMMITTEE UPDATE

Susan Stuard introduced Helen Rinaudo, Vice President of Human Resources and Privacy Officer from Saint Francis Hospital as a new member of the committee. Helen Rinaudo will begin participation on the committee starting at the May 28th meeting. Susan Stuard also introduced Dwight Arthur and Peggy Mancarusio as observers from the Hudson Valley community for this meeting.

The draft security breach policy was reviewed by the THINC Board at the March 4th meeting. The Board acknowledged the committee’s work and did not request any changes. The Board was not asked to adopt the policy at this time. A draft authorization policy was circulated to the Privacy Committee via email with a request for comments.

THINC has started to discuss policies that have a large security element (audit, access and authentication) with MedAllies. These discussions will help assess technical security capabilities. A draft set of recommendations will be brought to the committee for review. Draft policies of audit, access and authentication will be developed and presented to the committee for review. The last remaining policy is consent. The discussion around this policy will begin in June. The May meeting will be a presentation of the results from the 2008 consumer survey, conducted by Weill Cornell Medical College, about health information technology and exchange in the Hudson Valley.

III. AUTHORIZATION POLICY DISCUSSION

Another version of the Authorization Policy was distributed to the committee for review. Previously, the committee made the recommendation to add the definition of a “non-practitioner” in an effort to give some understanding of who might fall under the “non-practitioner” category. Susan Stuard mentioned to the committee that the Statewide Collaborative Process (SCP) does not define non-practitioner, and the definition may need clarity. The definition read “a non-practitioner is an employee of a participating organization who is not a practitioner. A non-practitioner might include a medical assistant, medical receptionist, unit clerk or any other member of the administrative staff whose job function requires them to participate in the treatment relationship with a patient”. Some suggestions made by the committee were to add patient navigator, patient care coordinator and outreach worker in the category section of the definition and remove “administrative” entirely as to not limit by definition.

IV. DRAFT PATIENT ENGAGEMENT AND ACCESS POLICY

At the March meeting, the committee was made aware that RHIO's are required to educate patients about the consent process and to explain the terms and conditions under which protected health information can be shared with authorized users. In order to ensure that the consent process is being deployed properly THINC must have a policy in place that addresses appropriate consent. This would include an educational program and/or tools to help the patient understand what the consent is for and also to assist the participating organization in moving through the consent process. Susan Stuard noted that THINC, along with our vendor MedAllies, is responsible for developing educational tools. The committee will be asked to give guidance during this process, providing input on what would be worthwhile to the patient as well as to the organization that will be required to deploy the policy at their facility. Paul Kaye made the suggestion to add a one page synopsis to the consent form, explaining in a simplistic fashion what the patient is agreeing to and the limitations to such an agreement. Susan Stuard will also distribute the model consent form to the committee members. Susan Stuard asked Helen Pfister if it was permissible to add a cover page to the consent form developed by the Statewide Collaborative Process. Susan Stuard asked if an e-signature on the consent form was permissible. Helen Pfister said yes these are permissible.

THINC also recognizes that there will be a need for a range of tools, since not each hospital or practice will be able to utilize the same set of educational tools. THINC intends to provide the participating organizations with the materials they would need to deploy the consent. Physicians can add this to their current educational programs and materials. The participant organizations will not be required to develop materials of their own.

As part of the consent process patients are to be informed as to how they may access their personal health information. Because THINC will not be providing direct patient access, it is THINC's intention to have a point of contact for each participating organization. In the event that THINC was contacted and a request for personal health information was made, THINC would direct that request back to the appropriate participating organization's privacy officer in a timely manner. THINC may also need to assist some of the participating organizations, mainly physician practices, with their own patient access policy, as it has been made clear by the Statewide Collaborative Process that all participating organizations must also have a policy on patient access. Through the committee's discussion it was noted that as of right now, only hospitals have that requirement and this will be an additional requirement for the physician practices.

THINC will also keep an updated list of data suppliers to the health information exchange. This updated list will be made available on the THINC website and upon request. THINC will also provide the participating organizations with a list of data suppliers. Participating organizations will be required to provide this information to the patient at the time of consent. However, noting that the list can be added to and will change over time the participating organizations are not affirmatively required to notify each and every patient everytime there is a change. The committee agreed to remove the bullet in section 4 regarding amending the policy. The committee also agreed to mention that all committee meeting minutes as well as board meeting minutes are posted on the THINC website for the public to view. Susan Stuard informed the committee that she would make the edits as discussed and send the policy back to the committee for review. The committee would then revisit this policy at the May 28th meeting.

There being no further topics for discussion, the meeting was adjourned at 12:08pm.